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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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UNITED STATES OF AMERICA

*versus*

GUSTAVO AGUIRRE

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CRIMINAL ACTION NO. 4:08cr183

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On August 21, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that the case proceed against Defendant as an adult and that 18 U.S.C. §§ 5031 *et seq.* does not apply to this case.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. It is accordingly

**ORDERED** that Defendant's Motion for Identity Hearing (Dkt. #26) is **GRANTED** to the extent that the U. S. Magistrate Judge conducted an evidentiary hearing on April 22 and 23, 2009, to determine whether Defendant is a minor. It is further

**ORDERED** that this case proceed against Defendant as an adult.

SIGNED at Beaumont, Texas, this 10th day of September, 2009.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE